

United States Court of Appeals  
for the Fifth Circuit

United States Courts  
Southern District of Texas  
FILED

September 27, 2022

Nathan Ochsner, Clerk of Court

No. 22-20455

United States Court of Appeals  
Fifth Circuit

FILED

September 27, 2022

Lyle W. Cayce  
Clerk

DOCTOR STELLA IMMANUEL,

*Plaintiff—Appellant,*

*versus*

CABLE NEWS NETWORK, INCORPORATED,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:22-CV-2031

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Before HAYNES, ENGELHARDT, and OLDHAM, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this case, the district court entered final judgment dismissing the complaint on August 1, 2022. Therefore, the final day for filing a timely notice of appeal was August 31, 2022. Plaintiff's notice of appeal was filed on September 1, 2022. When set by statute, the time limitation for filing a

No. 22-20455

notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

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CLERK

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NEW ORLEANS, LA 70130

September 27, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-20455      Immanuel v. Cable News Network  
USDC No. 4:22-CV-2031

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Rebecca L. Leto*

By: \_\_\_\_\_  
Rebecca L. Leto, Deputy Clerk  
504-310-7703

Mr. Robert P. Latham  
Mr. Nathan Ochsner  
Madhu Suseela Sekharan